IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

WP(C).No. 8013 of 2006(D)

PETITIONER:

O.THANKACHAN, SANTOHS BHAVAN,
VAYAKKAL P.O. KOTTARAKKARA, KOLLAM DISTRICT.

BY ADV. SRI.T.S.RAJASENAN

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, KOLLAM.

2. THE REVENUE DIVISIONAL OFFICER,
KOLLAM.

3. THE TAHSILDAR, KOTTARAKKARA.

4. THE VILLAGE OFFICER, VALAKOM.

5. SHAMSUDDIN, S.S.VILLA, VAYAKKAL,
VALAKOM, KOTTARAKKARA.

6. THE BOARD OF REVENUE,
THIRUVANANTHAPURAM.

BY ADV. SRI.B.MOHANLAL-R5
SRI.R.MOHANA BABU
GOVERNMENT PLEADER N. SUDHA DEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.8013 OF 2006

APPENDIX:

PETITIONER'S EXHIBITS:

EXT.P1- TRUE COPY OF the ORDER NO.A1186/06 DATED 3-3-2006 ISSUED BY the 2ND RESPONDENT.

EXT.P2- TRUE COPY OF the petition DATED 15-3-2006 TO THE IST RESPONDENT.

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.8013 of 2006-D

Dated this the 20th day of December, 2006

JUDGMENT

The petitioner challenges Ext.P1 order issued by the second respondent Revenue Divisional Officer, Kollam directing him to remove the rubber saplings planted by him in his property comprised in Sy.No.168/4 in Block No.26 of Valakam Village. By the said order, he has been directed to remove the rubber saplings within 10 days from the date of receipt of the copy of that order. The petitioner submits that the order has been passed without hearing him.

2. I heard the learned Government Pleader for the official respondents and also the learned counsel appearing for the 5th respondent.

3. Going by Ext.P1 itself, it can be seen that it was passed without hearing the petitioner. Accordingly, it is quashed. The second respondent is directed to consider the matter and pass a fresh order on it after affording an opportunity of being heard to the petitioner, within one month from the date of production of a copy of this judgment.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE.

MS